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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,633	11/02/2001	Jerry L. McKinney	Clearstrm-8	8356
7590	04/13/2004		EXAMINER	
C. James Bushman Browning Bushman P.C. Suite 1800 5718 Westheimer Houston, TX 77057-5771			BORISSOV, IGOR N	
			ART UNIT	PAPER NUMBER
			3629	
			DATE MAILED: 04/13/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/003,633	MCKINNEY, JERRY L.
	Examiner Igor Borissov	Art Unit 3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 November 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-87 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 12-18, 20-22, 24-35, 39-47, 49-54, 58-63 and 65-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmody (US 2002/0143596) in view of Thomason (US 6,317,039).

Carmody teaches a method and system for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising:

Independent Claims.

Claims 1, 12, 20, 27, 39, 49, 58 and 65.

automatically monitoring for operational equipment status at each of said plurality of wastewater treatment systems [0001]; [0066]; [0072];

automatically notifying said one or more service companies of operational problems detected at each of said plurality of wastewater treatment systems [0072]; [0091];

setting up an appointment for service personnel [0124];

determining a date and time associated with service conducted by service personnel at each of said plurality of wastewater treatment systems [0129]; [0130]; [0132];

electronically storing inspection data related to scheduled inspections for each of said plurality of wastewater treatment systems [0115] – [0119];

generating a website operable for selectively providing said inspection data, said

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operational data, and said time data to respective computers of said one or more service companies and said regulatory body [0088] – [0097];

generating a report for said regulatory body related to compliance with said scheduled inspection and timely repairs for each of said plurality of plurality of wastewater treatment systems based on said inspection data, said operational data, and said time data [0008] – [0015]; [0069]; [0074];

enabling selective generation of said report by said regulatory body utilizing said website [0069]; [0131];

providing an inspection schedule for said plurality of wastewater treatment systems that is accessible through said computer network presence by said one or more service companies [0119] – [0124].

Carmody does not specifically teach detecting a physical presence of said service personnel.

Thomason teaches a method and system for remote assistance and review of a technician serving an equipment, wherein the technician is equipped with video and audio communication means for communication in real time with a manager or other authority (column 2, lines 14-18); thereby the technician may service the remote job site equipment as if the manager were peeking over his shoulder (column 2, lines 27-30). Transmission of video images of a technician servicing remote job site equipment to the authority site in real time obviously indicates detecting a physical presence of said technician, and determining a date and time associated with said service conducted by said technician.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include providing video and audio communication means between a technician, servicing remote job site equipment, and an authority site, for two-way communication in real time, because it would allow to assist the technician during his work, or authorize a specific way of action at the time of servicing the remote job site equipment.

Also, Carmody teaches:

Dependent Claims.

Claims 2, 4-7, 13-14, 17-18, 21-22, 26, 28-31, 34-35, 40-42, 46-47, 50-53, 59-62, 66-68 and 71-72.

generating a website operable for selectively providing said inspection data, said operational data, and said time data to respective computers of said one or more service companies and said regulatory body [0088] – [0097];

enabling selective generation of said report by said regulatory body utilizing said website [0069]; [0131];

providing an inspection schedule for said plurality of wastewater treatment systems that is accessible through said computer network presence by said one or more service companies [0119] – [0124].

Claims 3, 15-16, 24-25, 32-33, 43-45, 54, 63 and 69-70.

storing responsible party data related to said plurality of owners for said plurality of wastewater treatment systems and utilizing said responsible party data for addressing said notices of noncompliance [0006] – [0008]; [0015]; [0080]; [0104].

Claims 37-38, 55-56 and 73-74. Thomason teaches said method and system for remote assistance and review of a technician serving an equipment, wherein transmission of video images of a technician servicing remote job site equipment to the authority site obviously indicates generating a record of repair activity (column 2, lines 14-18).

Dependent claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carmody and Thomason in view of Jurca (US 4,949,263).

Claim 8. Carmody and Thomason teach all the limitations of **claim 8**, except specifically teaching that the step of detecting a physical presence includes using mechanical switches installed at the equipment.

Jurca teaches equipment monitoring method and system, wherein said monitoring system is activated by a working personnel by operation of a mechanical on-of switch at the beginning of a working shift, and deactivated at the end of the working shift (column 5, lines 33-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody and Thomason to include using mechanical switches installed at the equipment, because mechanical switches are not expensive and reliable.

Dependent claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carmody and Thomason in view of Witts et al. (US 4,401,994).

Claim 9. Carmody and Thomason teach all the limitations of **claim 9**, except specifically teaching that the step of detecting a physical presence includes providing electronic reader to be activated by a respective identifier carried by a respective service personnel.

Witts et al. teach employees time monitoring method and system, wherein electronic reader is provided for monitoring working time of employees in an industrial establishment (column 2, lines 35-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody and Thomason to include providing an electronic reader for detecting a physical presence of an employee, because it would allow to automate the detecting process.

Dependent claims 10-11, 19, 23, 36, 48, 57 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmody and Thomason in view of Kahleck et al. (US 5,673,190).

Dependent claims 10-11, 19, 23, 36, 48, 57 and 64. Carmody and Thomason teach all the limitations of **claims 10-11, 19, 23, 36, 48, 57 and 64**, except specifically teaching determining whether each service contract has been timely renewed.

Kahleck et al. teaches multipurpose remote office machine management method and system, wherein scheduling of preventative maintenance and renewing a service contract is provided (column 9, lines 46-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody and Thomason to include scheduling of preventative maintenance and renewing a service contract, because it would allow to keep an equipment in working condition.

Claims 75-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmody and Thomason in view of Ryan et al. (US 2003/0055669).

Independent claim.

Claim 75. Carmody teaches all the limitations of **claim 75**, except receiving data related to timely servicing of environmental equipment systems by a third party; and reporting from said third party to said regulatory body regarding said received digital data.

Ryan et al. teach a method and system for handling compliance information, wherein a third party collects information relevant to a regulated site, and reports to regulatory/compliance agencies regarding said compliance information [0021]; [0022].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include that a third party collects information relevant to a regulated site, and reports to regulatory/compliance agencies regarding said compliance information, because it would allow industry users to reduce their paperwork load, while still complying with the regulatory requirements of the involved government agencies, as specifically stated in Ryan et al. [0005].

Dependent Claims.

Claims 76-84 and 87. See **claims 1 and 3.**

Claims 85-86. See **claims 37-38.**

Response to Arguments

Applicant's arguments with respect to **claims 1-87** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600